

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 4, 2003

Agenda ID #1870

TO: PARTIES OF RECORD IN INVESTIGATION 02-09-002

This is the draft decision of Administrative Law Judge (ALJ) Ryerson. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKIN
Angela K. Minkin, Chief
Administrative Law Judge

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Attachment

Decision **DRAFT DECISION OF ALJ RYERSON** (Mailed 3/4/2002)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Order Instituting Investigation on the Commission's own Motion into the Operations and Practices of Premier Van Lines, Inc. (T-178,958), formerly known as Mon Van Moving Services, Inc., and its President and Sole Shareholder Gary R. Grubb, Re Violating Terms and Conditions of Settlement Adopted by the Commission in Decision No. 00-06-013.

Investigation 02-09-002
(Filed September 5, 2002)

ORDER REVOKING PERMIT**Summary**

The Household Goods Mover permit of Premier Van Lines, Inc. (Respondent), T-178,958, is revoked with prejudice.

Procedural History

This investigation is an outgrowth of Decision (D.) 00-06-013, wherein Respondent agreed to a settlement requiring it to pay restitution to several of its former customers, pay a fine to the Commission, and file semi-annual reports of customer claims to the Commission. According to a sworn declaration accompanying the Order Instituting Investigation (OII), Respondent is delinquent in all of these requirements. The OII in this matter suspended Respondent's permit 15 days after service of I.02-09-002. The Commission files show that actual suspension occurred on October 2, 2002, and was to continue until all provisions of the settlement in D.00-06-013 had been fulfilled.

I.02-09-002 provides Respondent with the opportunity to request an evidentiary hearing and show why Permit T-178,958 should not be revoked with prejudice. It also ordered Respondent to cease and desist from violating any provision of the Household Goods Carriers Act or any Commission orders, rules, and regulations.

Determination

The OII offered Respondent an opportunity to request an evidentiary hearing with regard to its permit. There is no record of Respondent ever notifying the Commission, the Chief Administrative Law Judge, or the Consumer Protection and Safety Division (CSPD) of its desire for an evidentiary hearing.

A sworn declaration dated December 23, 2002, submitted by special agent Lou Ann Smith of CSPD shows that Respondent engaged in four separate instances of operations as a household goods mover since suspension of its permit on October 2, 2002. Commission records do not indicate that the permit was ever reinstated. Operating while its permit is under suspension, and operating contrary to orders of the Commission, are grounds for revocation of that permit. (Pub. Util. Code § 5285(b).)

The Commission's records do not disclose any information from Respondent that he has fulfilled the requirements of the settlement in D.00-06-013.

Categorization

I.02-09-002 declared this proceeding to be adjudicatory. It further declared that the order itself suffices for the preliminary scoping memo otherwise required under Rule 6(c) of our Rules of Practice and Procedure. Pursuant to Section 311(g)(1), the draft decision was mailed for comment.

Assignment of Proceeding

Carl W. Wood is the Assigned Commissioner and Victor D. Ryerson is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Respondent holds Household Goods Mover Permit T-178,958.
2. Respondents permit was suspended pursuant to I.02-09-002.
3. This suspension became effective on October 2, 2002.
4. In I.02-09-002, Respondent was given the opportunity to request an evidentiary hearing to show why its permit should not be suspended or revoked.
5. Neither the Commission, the Chief ALJ, nor the CSPD has received a request for evidentiary hearing.
6. The Commission records do not disclose that Respondent has fully complied with the settlement in D.00-06-013 with regard to refund of charges to customers, payment of penalties to the Commission, or semi-annual reports of customer claims.
7. A sworn declaration of a special agent from CSPD indicates that there have been four instances of transportation of household goods by Respondent during the period of suspension ordered by I.02-09-002.

Conclusions of Law

1. Respondent has not complied with the provisions of a settlement ordered by D.00-06-013.
2. Respondent has waived its opportunity for an evidentiary hearing as permitted under I.02-09-002.
3. Respondent has conducted operations as a household goods mover while its permit was under suspension.

4. Respondent has operated as a household goods mover while specifically ordered by the Commission not to operate.

5. Respondent has violated the provisions of Pub. Util. Code § 5286(c).

6. Permit T-178,958 should be revoked with prejudice to reinstatement.

IT IS ORDERED that:

1. The Household Goods Mover Permit T-178,958 is revoked and will not be reinstated.

2. Respondent shall immediately cease and desist from operations as a household goods mover.

3. Should either Premier Van Lines, Inc. or its president, Gary R. Grubb, seek a new permit such application shall contain complete and accurate information with regard to compliance with the settlement into which they entered as shown in Decision 00-06-013.

This order is effective today.

Dated _____, at San Francisco, California.